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General Assembly

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Official Records

69th plenary meeting
Thursday, 7 December 2006, 3 p.m.
New York

President: Ms. Al-Khalifa ..... (Bahrain)

In the absence of the President, Mrs. Mladineo (Croatia), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 71 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Report of the Secretary-General (A/61/63 and Add.1)

Report of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (A/61/65)

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its seventh meeting (A/61/156)

Draft resolution A/61/L.30

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/61/154)

Draft resolution (A/61/L.38)

Mr. Skinner-Klee (Guatemala) (*spoke in Spanish*): The differences in the geographical location of each State with regard to the sea and the different characteristics of maritime areas that are close to the coasts of countries in every region lead to divergent positions. However, within the United Nations, these positions always manage to be reconciled by frank discussions and negotiations and compromises which lead to satisfactory results.

During the negotiating process, Guatemala made several comments and voiced concerns, among which were those relating to vulnerable ecosystems, the lack of regional cooperation and inter-institutional coordination, as well as the lack of an intergovernmental policy for the management and sustainable use of living marine resources.

For this reason, Guatemala believes that the consensus reached is a step forward and will support the draft resolution on oceans and the law of the sea, in document A/61/L.30, and the draft resolution on fisheries management, contained in document A/61/L.38. In this context, we would like to recognize the effort and dedication of the two coordinators of these draft resolutions.

My delegation would like to reaffirm the integrity of the United Nations Convention on the Law of the Sea as well as to point to the importance of the principles, freedoms and obligations that this instrument regulates as a whole, especially the

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principle of freedom of navigation, including the right of innocent passage and transit passage through straits and other international sea lanes used for navigation.

We should point out that any analysis of the implementation of the Convention on the Law of the Sea is incumbent only on States parties and therefore no State can take unilateral measures. If some of these States decide to carry out a review of this implementation or were to insist on the appropriateness of ensuring ad hoc regulation on any particular issue, it would be the meeting of the States parties that would be the only natural competent body to adopt and implement those provisions.

It is for this reason that my delegation attributes special importance to the annual meeting of States parties to the Convention on the Law of the Sea and the need to have sufficient time — no less than five working days — to discuss pertinent issues in depth, without prejudice, of course, to additional days that might be necessary for issues related to elections scheduled for 2007.

During this year's Informal Consultative Process, consensus was reached on an ecosystem approach, which is of great use for our work, providing value added to our draft resolutions. We welcome the fact that the draft resolution on oceans and the law of the sea notes that in 2007 the Informal Consultative Process will have as its theme marine genetic resources, followed by maritime security and safety in 2008.

With regard to the issue to be discussed next year, Guatemala will continue to promote conservation and management of biodiversity on the international seabed. In particular, Guatemala supports the idea of including seabed genetic resources as the common heritage of mankind for the purposes of its use and conservation. We hope to make headway on this theme and my delegation will contribute energetically to that end. We also support reconvening in 2008 the Ad Hoc Open-ended Informal Working Group to study issues related to conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. It would deal with a variety of subjects such as the environmental impacts of anthropogenic activities, governance gaps and, in particular, genetic resources beyond areas of national jurisdiction.

My delegation considers it essential to strengthen cooperation among States. This cooperation can take many forms, such as the exchange of information, transfer of technology, development of local capacity-building, financial and technical assistance and the adoption of joint implementation measures. We welcomed the holding of the first regional seminar of the International Tribunal of the Law of the Sea in Dakar from 31 October to 2 November 2006 on the role of the Tribunal in dispute settlement on law of the sea matters in West Africa. We would also like to take this opportunity to congratulate the Tribunal on its tenth anniversary.

We also highly welcome the recognition within the draft resolution on oceans and the law of the sea of the link between these themes and sustainable development, as was recognized at the 2002 World Summit on Sustainable Development and the 2005 World Summit Outcome Document. Any progress made in this context is essential in order to achieve the Millennium Development Goals.

On the issue of fisheries management, we find that, although the United Nations has been urging States to join the 1995 Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, a great majority of Latin American and Caribbean countries, after careful review, have decided that it does not include essential concepts expressed in the Convention on the Law of the Sea. There remain obstacles which prevent a larger participation of our countries in this Agreement, such as a lack of resources for its implementation and issues involving articles 7, 21, 22 and 23 of the Agreement.

We welcome the adoption of the recommendations of the Review Conference on the Agreement, held in May, among which is the promotion of a dialogue between States parties and non-parties to overcome the obstacles that have been identified; we hope that that dialogue between those States will soon take place. We welcome the recognition in terms of compliance and contribution by States not party to the Agreement. The Agreement is complementary to the Convention, which is the principal framework in matters involving oceans and the sea. Through the General Assembly and the draft resolution before us, we seek an intergovernmental and participatory forum to achieve the long-term conservation and sustainable use of marine species via the adoption of measures and the operations of regional

and subregional fisheries management organizations for the high seas.

Illicit and destructive fishing requires greater attention and should be effectively banned so as to ensure an ecosystem approach, whereby fisheries should be managed, planned and developed in such a way that benefits are not only short-term but can increase for future generations. We regret the fact that experts calculate that fish stocks will be depleted by 2050, requiring us take to urgent measures to counteract such destructive processes and protect the most vulnerable ecosystems. Such activities as high-seas bottom-trawling persist despite their very negative impact on marine biodiversity.

We are disappointed by the weak language in the draft resolution concerning measures to eliminate destructive fishing practices. Certainly, two years on, expectations have been raised with regard to adopting more efficient and achievable measures. We nonetheless hope that the measures agreed upon to protect vulnerable ecosystems will be implemented in the short term and be taken seriously both by States individually as well as through their participation in regional fisheries management organizations. We feel that the inclusion of a future review of such actions to consider progress and the effectiveness of agreed measures is important.

Finally, we recognize the work of the Division for Ocean Affairs and the Law of the Sea. That office is charged with many tasks of great importance, and it carries them out excellently, in spite of its limited resources. The draft resolutions on oceans and the law of the sea and fisheries entrust the Secretariat with the task of studying and preparing various reports on important aspects of ocean activities. We note that requests for such work are becoming more frequent, more significant and more numerous. In 2006 alone, six extensive and technical reports have been produced, providing valuable help to States. The results of the Division's work, however, are always of the highest quality, bearing witness to the efforts and great abilities of all its personnel.

Ms. Lisson (Australia): Australia has the honour to co-sponsor both of the draft resolutions before us today. We are pleased with the attention given in those drafts to issues of key importance for Australia, including the governance regime for areas beyond national jurisdiction, maritime security, the work of the Commission on the Limits of the Continental Shelf (CLCS) and the sustainable management and conservation of marine living resources, including responsible fisheries and measures to address destructive fishing practices.

Since last year's debate under this item, we have moved closer to realizing the objective of universal adherence to the United Nations Convention on the Law of the Sea (UNCLOS). Australia congratulates those States that have acceded in the past year — Belarus, Montenegro and, from the Pacific, Niue.

It cannot be denied that significant portions of the Convention have now formed part of the corpus of customary international law, but, like other areas of the law, the law of the sea must be dynamic in order to meet new and emerging challenges.

First, we need to continue our work in identifying governance gaps, should they exist, and to take strides towards building mechanisms for conserving and managing the living resources of the oceans. In that regard, Australia welcomes the request to reconvene in 2008 a meeting of the Ad Hoc Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, and the decision to take up the Brazilian proposal that the Open-ended Informal Consultative Process on Oceans and the Law of the Sea should focus its work in 2007 on the topic of marine genetic resources.

Secondly, we need to address the significant threats to maritime security. The potential negative impacts of such threats on sea transportation, safety of navigation and the marine environment, as well as the threat posed to human life and property, call for the design and implementation of effective countermeasures at all levels. In that regard, we welcome the decision of the General Assembly to adopt Australia's proposal that the Informal Consultative Process on Oceans and the Law of the Sea focus its discussions on the topic of maritime security and safety in 2008.

In March this year, Australia signed two protocols amending the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and its 1988 Protocol relating to fixed platforms. Australia urges Member States to take the necessary steps to adopt those instruments as soon as possible.

In addition, we welcome the recent entry into force of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. The Agreement provides a transparent means of engaging Asia-Pacific countries on maritime security through information-sharing. Australia is working towards acceding to that important Agreement, and urges other States in the region to consider doing the same.

Australia has also adopted other measures within its own waters to ensure the safety of navigation and to provide protection for sensitive marine environments, including the fragile Great Barrier Reef and Torres Strait. Those measures are necessary to facilitate safe passage through what are treacherous and narrow waters. They have been adopted in a manner consistent with the Convention, including with approval by the competent authority.

Singapore has noted our different views on the application of such laws and regulations as they apply in respect of transit passage in international straits. We note that the omnibus draft resolution before us contains agreed language on that point in paragraph 65. A number of States expressed strong concerns regarding Singapore's proposed additional language and, despite our best endeavours to reach a compromise, we were beaten by the clock. We look forward to working with Singapore to resolve our differences.

Thirdly, Australia welcomes paragraphs in the omnibus resolution addressing the important work of the CLCS. Following Australia's submission on the outer limits of its continental shelf beyond 200 nautical miles in late 2004, we look forward to our continuing engagement with the Commission, particularly as it formulates recommendations on which Australia's final outer limit will be based.

We encourage States whose experts are serving on the Commission to do their utmost to ensure the full participation of those experts in the work of the Commission, including in the meetings of subcommissions. Future members must be in a position to work together for extended periods in New York in order to expedite the consideration of submissions.

We appreciate the work of the Division for Ocean Affairs and the Law of the Sea in assisting to build the capacity of States in preparing submissions. From Australia's experience, preparing a submission is a demanding technical, scientific and legal task, and we are pleased to be able to share our experiences with other States planning or preparing their own submissions.

Turning to fisheries, Australia welcomes the accession, since last year's debate, of six States — Estonia, Japan, Niue, Poland, Slovenia and Trinidad and Tobago — to the vitally important Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

This year's Review Conference of the Fish Stocks Agreement was an important opportunity to critically assess the effectiveness of the Agreement in taking forward cooperative and sustainable fisheries management. States parties and non-State parties alike worked together to reach a consensus outcome document. Australia will continue to resist attempts by some to undermine the significant progress made, and will consider carefully in future the issue of participation in the consultations of States parties to the Agreement.

Regional mechanisms are central to cooperative management of responsible and ecologically sustainable fishing, and it is especially important to establish such arrangements in areas where no management regime currently exists. Regional Fisheries Management Organization (RFMO) coverage in all areas of the globe must be our ultimate objective. In our own region, we welcome significant developments towards that objective. The stocks of the Western and Central Pacific are a significant natural resource for Pacific coastal States, and Australia will continue to work hard with its neighbours to ensure that the Western and Central Pacific Fisheries Commission continues to reflect best practice in the conservation and sustainable management of highly migratory species.

Australia will soon sign the Southern Indian Ocean Fisheries Agreement, and we are pleased to be a co-sponsor and key player in the development of a new RFMO for the South Pacific. We invite all States and entities with a genuine interest in the fishery to consider participating constructively in the new RFMO. As called for in paragraph 85 of the fisheries draft resolution (A/61/L.38), we urge participating

States to accelerate negotiations, and pending the formalization of the two new arrangements, we encourage States to develop and implement meaningful interim measures for managing sustainably the relevant fisheries.

In 2004, the international community called on States, directly or through RFMOs, to take urgent action to address the impacts of destructive fishing practices on vulnerable marine ecosystems. Not enough has been done, and this year Australia urged all States to fulfil that commitment by taking new positive actions.

Australia welcomes this year's draft resolution, which we see as an important advance in international efforts to regulate high seas bottom-fishing. We have agreed by consensus on a mechanism by which States — through RFMOs, both existing and under development — are to assess and manage bottom fisheries to prevent significant adverse impacts on vulnerable marine ecosystems. In unmanaged areas of the high seas, individual flag States must do the same, or not authorize their vessels to conduct bottom fishing. Importantly, those measures are required to be made publicly available.

Good-faith implementation of the measures contained in the draft resolution will represent an important shift in the approach for regulating all high seas bottom fisheries, both current and new, by ensuring that only those activities that do not cause significant impact to vulnerable marine ecosystems are allowed to proceed. Australia is disappointed, however, that the draft resolution does not contain a prohibition on bottom trawling in unmanaged high seas areas. Such a ban would have been an effective incentive for the establishment of competent and modern RFMOs, while providing protection for vulnerable marine ecosystems in the absence of such regulation.

The challenge now is to ensure that the measures we adopt today are implemented fully, effectively and as a matter of priority. The draft resolution contains deadlines for the implementation of those measures. We would like to stress that a deadline is no reason to delay, especially given the call in 2004 for urgent action.

Within RFMOs, Australia will be working hard with others to develop and adopt appropriate conservation and management measures consistent with the commitments we have made this year. For unmanaged areas beyond national jurisdiction, we call on individual flag States to do the same.

Finally, Australia would like to point to its strong desire for enhanced measures to tackle illegal, unreported and unregulated (IUU) fishing. We continue to act firmly against foreign vessels fishing illegally in Australian waters, and have responded promptly to situations of apparent illegal or unregulated vessels in areas regulated by RFMOs, in turn, raising awareness among Member States. IUU fishing is not one problem but three, each of which requires a focused and determined international response. We must concentrate not only on flag State responsibilities, but also act in our capacity as port States to restrict market access to IUU catch. We must also take strong action against nationals involved in IUU fishing activities.

Consistent with the Convention and the United Nations Fish Stocks Agreement, it is Australia's strong view that States have an obligation to either join relevant RFMOs if entitled to do so, or to otherwise refrain from fishing in the RFMO-regulated area, unless they agree to apply all relevant conservation measures. Those are concrete and substantive obligations, with direct applications.

Mr. Prothmann (Namibia): It is an honour and a pleasure to participate in this joint debate on oceans and the law of the sea and sustainable fisheries. At the outset, my delegation too would like to thank the representatives of Brazil and the United States for introducing the two draft resolutions under agenda item 71 (A/61/L.30 and A/61/L.38). My delegation's appreciation also goes to the two coordinators, Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States. Both did an excellent job on behalf of all of us and in the interest of our oceans. Without the comprehensive and most useful reports from the Secretary-General, prepared by the Division for Ocean Affairs and the Law of the Sea, and those equally useful ones from the co-chairpersons of the Ad Hoc Open-ended Working Group and the Informal Consultative Process, our draft resolutions would be superficial. Hence, my delegation's special thanks to DOALOS and its Director, Mr. Vladimir Golitsyn, and the four co-chairpersons, Ambassador Gómez Robledo of Mexico, Mr. Phil Burgess of Australia, Ms. Lori Ridgeway of Canada and Ambassador Cristián Maquieira of Chile. We also thank all staff of the Division for the efficient support to our informal consultations on the two draft resolutions.

Namibia considers the two draft resolutions we are about to adopt strategically important. It therefore goes without saying that Namibia is again a sponsor of the texts. It is also our distinct hope that both drafts will be adopted by consensus in their entirety. By doing so, the Assembly would pay appropriate and adequate homage to the United Nations Convention on the Law of the Sea (UNCLOS) and its two implementing agreements. Together, these instruments comprise a constitution for our oceans, which represent nearly three quarters of our planet and are in dire need of conservation, while allowing for their sustainable and equitable utilization.

It is in this spirit that Namibia welcomes this year's sustainable fisheries draft resolution. We are pleased with the outcome of the debate on bottom trawling. Its management, through the approach of Regional Fisheries Management Organizations (RFMOs), rather than an outright blanket ban, is what Namibia and others have advocated, and we believe that that is the most realistic and constructive way forward.

One such RFMO is the South East Atlantic Fisheries Organization (SEAFO). Namibia is proud to have played a key role in SEAFO's establishment, and we continue to strongly support that fledgling organization, despite our limited resources as a developing country. In line with the sustainable fisheries draft resolution that we are about to adopt, we urge the two remaining adjacent coastal States, and States whose vessels fish in the SEAFO Convention area, to join the organization as soon as possible, thereby participating in ensuring sustainability and the equitable sharing of both benefits and costs.

Namibia also calls on all States, developed and developing, to participate in all regional fisheries management organizations in whose areas their vessels fish, and to establish regional fisheries management organizations in areas where they do not exist, thereby ensuring sustainable global fisheries. In that pursuit, developing countries could benefit from assistance in capacity-building, as Namibia did from Norway, which we hereby acknowledge with a deep sense of appreciation.

While on capacity-building, I would be amiss not to express my delegation's appreciation to the Division for Ocean Affairs and the Law of the Sea for its sponsorship of two Namibian trainees who participated in the regional training course on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and on the preparation of submissions to the Commission on the Limits of the Continental Shelf, which was held in Accra, Ghana, in December 2005.

The Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea was established by General Assembly resolutions 36/108 and 38/129 as part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, as recommended by the Secretary-General in his report A/36/633. It is an intensive fellowship that invaluably contributes to the wider and deeper understanding of the law of the sea. Hence, the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea deserves the unqualified support of Member States, as well as that of the Office of Legal Affairs.

In that connection, Namibia also welcomes the recent award by the United Nations and the Nippon Foundation of Japan Fellowship Programme Selection Committee of 10 new fellowships to professionals from developing coastal States to undertake advanced research and studies in ocean affairs and the law of the sea.

Namibia also strongly supports the notion of technical cooperation between developing countries. Namibia, for example, has much to offer the Southern Africa Development Community region and other coastal African States in terms of fisheries know-how. Such requests for technical cooperation and assistance have been received by Namibia, but the lack of financial resources remains a major stumbling block.

Namibia strongly believes that multilateral institutions should fairly reflect and represent their entire membership if they are to be truly legitimate and enjoy the trust of all involved; hence, the generally accepted principle of equitable geographical representation and the importance of its application. The need for excellence and the fact that excellent people are not confined to one geographic region go without saying. Namibia strongly supports the International Seabed Authority in Kingston, Jamaica, and we actively participate in its activities and governing bodies. My delegation is also happy that a Namibian has again been elected to contribute to the work of the very important Legal and Technical Commission.

Namibia also recognizes the crucially important contribution of the Commission on the Limits of the Continental Shelf and the related services rendered by the Division for Ocean Affairs and the Law of the Sea. The expected exponential growth of the workload of the Commission, due to an increasing number of submissions towards the deadline in 2009, should be resolved in consultation between UNCLOS States parties and the Commission. I should like to point out, however, that the deadline of May 2009 is for submissions only, while obviously not wanting to create too much of a backlog. Namibia cannot, however, foresee an extension of the deadline, as that would require an amendment of our Convention, which is not desirable.

The regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects — or, for the lack of a better term, the Global Marine Assessment — remains important in ultimately ensuring widely available and comprehensive information on the state of the oceans. Without such regular assessments, the effective conservation as well as sustainable and integrated management of marine biodiversity will remain elusive. Thus, Namibia supports the process, while reiterating the invitation in our omnibus draft resolution to Member States, the Global Environment Facility and other interested parties to contribute financially to the preparatory stage.

What is needed is a proper scientific assessment of high-seas biodiversity and ecosystems and of their vulnerability to, amongst other things, deep-sea fishing and mining. It is our hope that, sooner rather than later, that effort will result in an appropriate, globally integrated management regime ensuring the continual conservation as well as equitable and sustainable utilization of high-seas biological and genetic resources.

Finally, I would like to take this opportunity to wish our Director, Vladimir Golitsyn, and our Commission Secretary, Oleksiy Zinchenko, all the best for their imminent retirement; may it be long and happy. Their frank and reliable advice will be sorely missed, and their vast and relevant experience will be difficult to replace.

Ms. Banks (New Zealand): New Zealand warmly associates itself with the statement presented by Palau on behalf of the Pacific Islands Forum States, of which New Zealand is one.

We are happy once again to co-sponsor both the draft omnibus oceans resolution and the draft sustainable fisheries resolution.

This was a busy year for oceans and law of the sea work, in which States tackled an important number of cross-cutting oceans and fisheries issues. New Zealand has throughout reiterated its readiness to engage seriously with others in order to protect oceans biodiversity, to promote sustainable fisheries, and to protect the world's marine ecosystems from destructive fishing practices.

New Zealand fully supports the Pacific Islands Forum statement on destructive fishing practices, including bottom trawling, that was delivered today. We endorse its key messages. While we advocated for and would have preferred a more ambitious outcome, the consensus that was negotiated delivers a significant, substantive advance on that issue. It reflects our concerns about the serious adverse effects that destructive fishing practices may have on vulnerable marine ecosystems, and the need for such practices to be responsibly regulated by regional fisheries organizations and flag States. We continue to believe that urgent action is necessary. New Zealand looks forward to the opportunity to review progress on interim measures and on improvements to regional management arrangements next year at the sixty-second session of the General Assembly.

New Zealand continues to strongly support the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and its implementation. We welcomed the consensus text agreed in the Fish Stocks Agreement Review Conference in May 2006. It provided an important opportunity to critically assess the Agreement's effectiveness in taking forward cooperative and sustainable fisheries management, and the international law of the sea more generally.

New Zealand is a party to the Agreement and we regarded fair and balanced references to the Review Conference outcome in the draft sustainable fisheries resolution as essential. We and the other parties took significant steps at the Review Conference to accommodate the non-parties to the Agreement. As a

result, the recommendations of the Review Conference reflect the views of the parties and non-parties alike. We did so in the expectation that the consensus outcomes at the Review Conference would be reflected in consensus pronouncements of the General Assembly. We were disappointed that some States opposed that course in the negotiations on the draft sustainable fisheries resolution. We will need to reflect on what happened this year when considering the participation arrangements for future review conferences of the United Nations Fish Stocks Agreement.

New Zealand continues to work with other interested participants in negotiations to conclude a South Pacific regional fisheries management organization. The agreement aims to fill a crucial gap in the management of high-seas fisheries in the South Pacific Ocean. There have been two meetings this year, and negotiations are well under way towards concluding a draft agreement. We were disappointed that it did not prove possible to reach agreement at last month's meeting on interim measures that should apply pending the adoption of the new agreement. Some of the obstacles to agreement should have been removed by the consensus that has been reached on bottom fishing in this year's draft sustainable fisheries resolution. We therefore look forward to working with others at the next meeting on regional fisheries management organizations in Chile towards the adoption of strong interim conservation and management measures, including to protect vulnerable areas in the South Pacific, and to ensure a cautious and responsible approach to the exploitation of fish stocks pending the adoption of conservation measures under the new agreement.

As New Zealand has expressed many times, we are concerned about the negative impacts of illegal, unregulated and unreported fishing, particularly the extent to which it undermines conservation and management measures adopted by regional fisheries management organizations and, ultimately, the sustainability of fish stocks. We are pleased that the draft sustainable fisheries resolution contains useful new elements in the sections on illegal, unregulated and unreported fishing and subregional and regional cooperation. States are urged in paragraph 35 to take effective measures to deter the activities, including illegal, unregulated and unreported fishing, of any vessel that undermines conservation and management measures adopted by regional fisheries management organizations. We hope that those efforts will contribute to greater compliance by fishing vessels with conservation and management measures.

New Zealand strongly supports the role of the United Nations in discussions on the subject of marine biodiversity beyond areas of national jurisdiction, within the framework provided by the United Nations Convention on the Law of the Sea. We welcome the reconvening of the Ad Hoc Open-ended Informal Working Group in 2008 as a way for States to pursue further work on that subject.

Genetic resources beyond areas of national jurisdiction are one aspect of marine biodiversity that has been identified for consideration by the Ad Hoc Open-ended Informal Working Group established by paragraph 73 of resolution 59/24. We note that the topic of marine genetic resources will also be the focus of discussions at the Informal Consultative Process in 2007, and we anticipate that the work undertaken in that context will usefully feed into the broader work of the Ad Hoc Open-ended Informal Working Group the following year.

New Zealand has endorsed the adoption of the International Maritime Organization's voluntary member State audit scheme, and we have put ourselves forward for audit next year.

Looking even further ahead, we are pleased that the topic of maritime security has been identified for discussions at the Informal Consultative Process in 2008. We welcome the opportunity that the Informal Consultative Process provides for consideration of cross-cutting oceans issues such as this.

New Zealand remains concerned about the risk of economic loss that may arise from an incident involving a shipment of radioactive materials travelling through the Pacific — even an incident that does not result in any actual release of radiation. In the event of losses directly attributable to such an incident, there is an imperative on the shipping States not to leave the countries suffering those losses unsupported. In the event of such an incident, we would urge shipping States to provide as much information as possible, as soon as possible, and to take all practical measures to manage the situation effectively.

New Zealand is an island State blessed with a large continental shelf. We were pleased to submit, earlier this year, the coordinates for the outer limits of

the continental shelf beyond the 200-nautical mile exclusive economic zone to the United Nations Commission on the Limits of the Continental Shelf. We are alert to the need for the Commission's processes to operate efficiently and effectively, and in that regard we welcome the call to strengthen the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for the purpose of enhancing its technical support to the Commission. We encourage both the Commission and the Division to ensure that their work programmes are organized in a way that enables delegations attending Commission meetings to make the fullest use of their time.

Finally, we thank the Secretary-General for his report, which is, as always, comprehensive and of great assistance to delegations and the wider oceans constituency.

Mr. Kodera (Japan): At the outset, my delegation wishes to thank the coordinators of the two draft resolutions before us today, Mr. Duarte, representative of Brazil, and Ms. Koehler, representative of the United States.

Our thanks also go to all the States that contributed to the consultations in a spirit of cooperation, and to the staff of the Division for Ocean Affairs and the Law of the Sea, who provided invaluable support.

Japan, as a seafaring nation with a vast exclusive economic zone and continental shelf, is committed to the United Nations Convention on the Law of the Sea (UNCLOS) and the organs established under it, including the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

As concerns the Tribunal, Japan attaches great importance to its role of the Tribunal in the maintenance of order and stability with respect to the oceans. We would like to extend our congratulations to the Tribunal on its tenth anniversary, this year. We are committed to contributing further to the Tribunal's activities.

With regard to the Commission, we welcome the active discussions held at the sixteenth meeting of States parties, in June this year. We attach great importance to efficient examinations by the Commission, since an increasing number of submissions are anticipated. Japan looks forward to a fruitful discussion in the next States parties meeting, based on the concrete measures to be proposed by the Commission and the Division for Ocean Affairs.

Japan is considering contributing to the voluntary fund in order to facilitate the participation of members of the Commission from developing countries in the work of the Commission. In this connection, Japan, in cooperation with the United Nations University, hosted a symposium in Tokyo from 6 to 7 March 2006 on the scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles. We would like to express our gratitude for the success of the symposium to the participants, who included members of the Commission and the Division and experts from all over the world. The minutes of the symposium are to be issued shortly, and we hope that such activities will contribute to member States' preparation of submissions to the Commission.

During this year's Informal Consultative Process, Singapore proposed a paragraph that reaffirms the right of transit passage through straits used for international navigation. We regret that we did not reach a consensus on that paragraph. Japan is very concerned that some States bordering straits have recently adopted laws and regulations that in practice restrict the right of transit passage of other States as set out in the Law of the Sea Convention. This has the potential to cause damage to international physical distribution, trade and the international economy. We fully understand that due consideration must be paid to the interests of bordering States with regard to matters such as preservation of the marine environment. At the same time, however, we hope that all States will take action in an appropriate manner, so as to avoid imposing constraints upon the right of transit passage.

Incidents of piracy, which occur primarily in Asia, have been decreasing since 2003 due to cooperation between coastal States and user States. However, the incidents that do occur are becoming increasingly violent and include such acts as the hijacking of ships and kidnapping of crews. In this regard, Japan is pleased to note that a Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia was launched on 4 September 2006 as a result of cooperative work among the relevant States. On 29 November, an Information Sharing Centre was established in Singapore to strengthen cooperation on maritime security by establishing a cooperative network

dedicated to combating piracy. Japan has dispatched the first director to this Centre. We are committed to the realization of safe and secure waters in Asia, not only through human and financial contributions to the Centre, but also through the implementation of the Regional Cooperation Agreement and the strengthening of cooperation and capacity-building of maritime security in the region.

Allow me next to touch upon the marine environment. Surrounded by the sea on all sides, Japan considers the preservation of the marine environment to be extremely important. We are highly interested in the preservation and sustainable use of marine biodiversity beyond national jurisdiction, and look forward to a focused and in-depth discussion in the second meeting of the Ad Hoc Open-ended Working Group on marine biological diversity beyond areas of national jurisdiction in 2008. Japan anticipates the active participation of relevant international organizations in the meeting. At the same time, we believe that the preservation of the marine environment should be conducted in compliance with international law and with international cooperation. We should therefore avoid a situation in which measures to preserve the marine environment restrict the right of innocent passage through territorial waters and the freedom of navigation in exclusive economic zones.

As a responsible fishing State and a State party to UNCLOS, Japan is dedicated to addressing conservation and management issues, as well as sustainable use issues relating to living marine resources, in cooperation with the Food and Agriculture Organization of the United Nations (FAO) and regional fisheries management organizations. In this regard, we are determined to enhance our efforts in the management of fish stocks, and for that purpose we joined the United Nations Fish Stocks Agreement in September this year.

International efforts to address illegal, unreported and unregulated (IUU) fishing activities and overcapacity issues in global fisheries are becoming more important. My Government has taken a leadership role in such efforts and will cooperate further towards the elimination of IUU fishing. At the same time, fisheries management must be conducted in conformity with the provisions of international law, including UNCLOS. Specifically, vessels and crews seized in an exclusive economic zone must be released promptly upon the posting of reasonable bond or other security. Effective measures against IUU fishing can only be achieved through the implementation of sound enforcement procedures based on established rules.

With regard to deep sea fisheries, Japan has repeatedly insisted that proper management, based on scientific evidence, needs to be undertaken by flag States or regional fisheries management organizations. Japan believes that we have reached an appreciable level of consensus after difficult negotiations this year. My Government has already started consultations with the relevant States on the establishment of an international framework on high sea bottom trawling in the north-west Pacific Ocean. We are committed to taking responsible actions in accordance with the draft resolution on this matter before us.

In this regard, we would like to stress, once again, the importance of basing our discussions on the issues of conservation and management, as well as the sustainable use of living marine resources, on scientific evidence amassed by competent organizations, such as FAO and the regional fisheries management organizations.

Operative paragraph 56 of the draft omnibus resolution on oceans and the law of the sea, which deals with the transport of radioactive materials, contains the same language as the corresponding paragraph in last year's resolution. That paragraph, in the view of Japan, as well as of France and the United Kingdom, unfortunately does not reflect the spirit or substance of the series of thorough discussions on that issue conducted by the International Atomic Energy Agency (IAEA) and other relevant organizations. Although we are dissatisfied with the outcome, we will not make a formal objection on this point, taking into account the spirit of the draft resolution. As we stated in the informal consultations, cooperation between coastal States and shipping States has made significant progress since last year. In the plenary meeting of the IAEA held on 30 September 2006, the adopted resolution calls for a cooperative spirit on the part of both the coastal and the shipping sides. We believe that those developments should be reflected in the General Assembly's draft resolution in an appropriate manner, and urge member States to cooperate in that regard.

In concluding, I wish to reiterate that Japan will continue to contribute to the stability of the legal framework on ocean affairs, and in so doing, will help to promote prudent and equitable use of the sea by the

international community, in accordance with the provisions of UNCLOS.

Mr. Hamidon (Malaysia): Malaysia wishes to express its gratitude to the Secretary-General for his comprehensive reports on oceans and the law of the sea, as contained in documents A/61/63, A/61/63/Add.1 and A/61/154. We also welcome the reports of the chairpersons of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. Those documents are important references in the ongoing discussion on oceans and the law of the sea.

Malaysia has been actively involved in most discussions on issues relating to oceans and the law of the sea in the United Nations, as well as in the other related bodies. As a maritime nation and a coastal State of one of the busiest straits in the world, the Straits of Malacca, Malaysia takes particular interest in the legal regime governing oceans and the seas. Born of a marriage, or compromise, between prophecy and retrospection, the United Nations Convention on the Law of the Sea (UNCLOS) has been rightly called a constitution for the ocean. Looking at it as a compromise will reveal its weakness, but looking at it as a marriage will give rise to encouragement and hope for the future. The Convention has produced many innovative concepts and principles that are dear to States parties.

The Convention must be considered as a process rather than as a product. It is a process which requires regular consideration and evaluation to address the changing needs and developments relating to oceans affairs and the law of the sea. The meetings of the States parties to UNCLOS, which to date have primarily dealt with budgetary and administrative matters, have a significant role to play in that regard. Malaysia also welcomes the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, established by resolution 54/33 to facilitate the annual review of developments in ocean affairs by the General Assembly in an effective and constructive manner. It has already had three sessions.

We believe that the Informal Consultative Process complements the role of the meeting of States parties in dealing with questions arising out of the implementation of the Convention. The meeting of the States parties would not be competent to deal with questions that overlap or conflict between the Convention and other regimes established elsewhere. Only the General Assembly, with its universal membership, can do so. That is where the Informal Consultative Process fits in. It is the task of the Informal Consultative Process to facilitate the discussion and decision-making on such matters, based on the Secretary-General's annual report. The Informal Consultative Process has, over the years, proved to be a very valuable forum for the discussion of those issues. Nevertheless, Malaysia is also of the view that the roles of the meeting of States parties and the Informal Consultative Process can be merged once the membership of the Convention becomes as universal as the membership of the General Assembly.

Malaysia welcomes the progress made in the work of the three institutions established by the Convention — the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. The International Seabed Authority is currently involved in the development of a legal regime for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts. We appreciate the role of the Authority in the conservation of biodiversity in the area, especially the elaboration of the rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the area, and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the area.

Malaysia commends the valuable work undertaken by the Commission on the Limits of the Continental Shelf. We wish, however, to express our concern at the logistics implications that the Commission's significantly increased workload will have in the foreseeable future. We note the discussion that took place during the sixteenth meeting of States parties in June this year and urge States parties to reflect on the options for addressing the problems created by the additional workload.

The International Tribunal for the Law of the Sea has been active as an independent judicial body established by the Convention to adjudicate disputes arising out of its interpretation or application. It has decided on a number of cases involving a wide variety of issues, such as freedom of navigation and other

internationally lawful uses of the seas, the enforcement of customs laws, refuelling vessels at sea, the right of hot pursuit, conservation and the sustainable use of fish stocks, provisional measures and matters involving land reclamation. The Tribunal enjoys a high reputation for fairness and integrity.

The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks is an important vehicle to ensure the long-term sustainability of fish stocks, as well as their optimum utilization. We are pleased to inform the Assembly that Malaysia is currently taking the necessary steps to harmonize its domestic legislation to bring it in line with the provisions of the Convention and with a view to becoming a party in the near future.

Malaysia realizes the importance of the long-term conservation and sustainable use of straddling and highly migratory fish stocks through the effective implementation of the relevant provisions of the Convention. We hope that the necessary assistance will be made available to States requiring it for the effective conservation and management of such fish stocks. In addition, there should be no duplication of programmes and activities by the relevant United Nations agencies for the conservation and management of straddling and highly migratory fish stocks.

In conclusion, my delegation wishes to express its appreciation to coordinators Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States, as well as to the delegations that made valuable contributions to the consultation process. The draft resolutions are the fruit of our labour over two months and it is our sincere hope that all Member States will support the delicately balanced draft resolutions in the spirit of cooperation.

Mr. Hannesson (Iceland): I would like at the outset to thank the Secretariat — in particular, the able staff of the Division for Ocean Affairs and the Law of the Sea — for its comprehensive reports on oceans and the law of the sea and on sustainable fisheries, and to acknowledge the professional manner in which the two coordinators, Mr. Carlos Duarte of Brazil and Ms. Holly R. Koehler of the United States, conducted the informal consultations on the draft resolutions before us.

The Convention on the Law of the Sea provides the legal framework for all our deliberations on the oceans and the law of the sea. Iceland welcomes recent ratifications of the Convention by Belarus, Niue and Montenegro, and urges States that have not ratified the Convention to do so. By ratifying and implementing the Convention — one of the greatest achievements in the history of the United Nations — the international community sustains and promotes a number of its most cherished goals. Every effort must be made to utilize existing instruments to the full before other options, including possible new implementation agreements under the Convention, are seriously considered.

The three institutions established under the law of the sea Convention are functioning well, and progress is being made in the work of the Commission on the Limits of the Continental Shelf. The Commission is currently considering five submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and a number of coastal States, including Iceland, have advised of their intention to make submissions in the near future.

As the final date for making submissions to the Commission, 13 May 2009, approaches, the workload of the Commission is anticipated to increase, placing additional demands on its members and on the Division for Ocean Affairs and the Law of the Sea. Iceland supports the decision of the sixteenth meeting of States parties to the Convention to address, as a matter of priority, issues related to the workload of the Commission and funding for its members attending the sessions of the Commission and the meetings of the subcommissions. We also support the call by the meeting to strengthen the Division, serving as the secretariat of the Commission, for the purpose of enhancing its technical support for the Commission. Furthermore, we support the actions recommended in chapter VII of the draft omnibus resolution, in which States are, inter alia, encouraged to make contributions to the two voluntary trust funds in that field.

In that context, it gives me pleasure to inform the General Assembly of the decision of the Government of Iceland to make an additional contribution of $100,000 to the voluntary trust fund to facilitate the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. Furthermore, Iceland has decided to make an additional

contribution of $100,000 to the voluntary trust fund to defray the cost of participation to the members of the Commission from developing States in the meetings of the Commission.

A successful Review Conference on the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was concluded in New York last May. The recommendations of the Conference, aimed at strengthening the substance and methods of implementation of the provisions of the Agreement, were adopted by consensus by all participating States, parties and non-parties alike. Iceland welcomes in particular the general reaffirmation by the Review Conference of the regional approach to high-seas fisheries management.

The effectiveness of the United Nations Fish Stocks Agreement depends in large part on its widespread ratification and implementation. We welcome ratifications of the Agreement this year by Poland, Slovenia, Estonia, Japan, Trinidad and Tobago and Niue, and note that many other States have served notice of their intention to ratify the Agreement in the near future.

The world's marine ecosystems are coming under increasing strain from different sources, including marine pollution, overfishing, destructive fishing practices and climate change. While recognizing those and other challenges to the health of our oceans, we need to refrain from making indiscriminate generalizations that fail to take account of regional and local circumstances. At the same time, greater effort should be devoted to scientific assessments and the need to ensure that management policies are always informed by the best available scientific information. In that connection, Iceland values in particular the recently initiated "assessment of assessments", designed as a preparatory stage towards the setting up of a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects.

Marine pollution from land-based activities continues to be of considerable concern in most coastal zones in the world. The Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, held in Beijing last October, confirmed that, despite positive developments in some areas of the combat against marine pollution, general trends, especially with regard to eutrophication and physical degradation, are continuing in the wrong direction.

The Beijing Declaration, adopted by ministers and heads of delegations at the Intergovernmental Review, stressed the need for Governments to strengthen efforts to develop and implement national and regional programmes of action for the protection of the marine environment from land-based activities. It was furthermore recognized that implementing the Global Programme of Action would contribute substantially to internationally agreed development goals, including those contained in the Millennium Declaration and those highlighted in Agenda 21, the Barbados Programme of Action, the Johannesburg Plan of Implementation and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.

Iceland fully endorses the Global Programme of Action as a means to ensure the sustainability of the world's oceans, and would like to urge all Governments and international financial institutions to put greater emphasis on the implementation of the Programme.

Over the past few years, Member States have been able to draw on the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea to focus attention on some of the main challenges to the marine environment. At the seventh meeting of the Consultative Process last June, United Nations Member States decided for the first time to consider a set of agreed consensual elements relating to ecosystem approaches and oceans. That outcome constitutes a good basis to build on as we tackle the manifold risks and dangers confronting our marine ecosystems.

In Iceland's view, illegal, unreported and unregulated fishing should be included on a short list of priority issues in that regard. The General Assembly has repeatedly urged States to combat illegal, unregulated and unreported fishing, and the current draft fisheries resolution contains many important recommendations to that end. For example, the need

for enhanced port State controls to combat illegal, unregulated and unreported fishing is recognized and States are urged to cooperate at the regional level to adopt all necessary port measures. In that context, States are encouraged to initiate, as soon as possible, a process within the Food and Agriculture Organization of the United Nations (FAO) to develop, as appropriate, a legally binding instrument on minimum standards for port State measures, building on the FAO Model Scheme on Port State Measures to Combat Illegal, Unregulated and Unreported Fishing and the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing.

Based on a proposal initially made by Iceland, the draft fisheries resolution in document A/61/L.38 furthermore urges States to take effective measures, at the national, regional and global levels, to deter the activities, including illegal, unreported and unregulated (IUU) fishing, of any vessel that undermines conservation and management measures that have been adopted by regional fisheries management organizations in accordance with international law. Importantly, the measures to be taken in order to deter IUU fishing are not limited to those of flag States.

In Iceland's view, the development of exemptions from, and limitations to, the general principle of exclusive flag State jurisdiction with respect to fishing vessels on the high seas is paramount if our struggle against these illegal and unregulated practices is to succeed. To put an end to such practices, their financial and economic incentives must effectively be removed, and adequate enforcement and monitoring measures must be put in place.

There is growing pressure among the international community to develop the necessary legal basis for meaningful and effective measures in order to eliminate IUU fishing practices. Efforts also need to be made to coordinate the activities of a number of organizations and agencies, including the FAO and the International Maritime Organization, in meeting this urgent challenge.

Should the combined efforts of the international community not bear the desired fruit, coastal States with substantial interests at stake could be induced to contemplate taking unilateral action.

The General Assembly this autumn conducted a review of actions taken by States and regional fisheries management organizations in response to the recommendations contained in resolution 59/25, concerning the impact of fishing on vulnerable marine ecosystems. We fully endorse the draft fisheries resolution now before the Assembly. It welcomes the important progress made during the last two years by States and regional fisheries management organizations to give effect to these recommendations, including negotiations to establish new regional organizations as needed. In the view of Iceland, the recommendations contained in operative paragraphs 80 to 91 of the draft fisheries resolution, which reflect the compromise reached on this issue in the informal consultations, are both targeted and meaningful.

Iceland fully shares concerns that have been expressed about the effects of destructive fishing methods on vulnerable marine ecosystems. In this instance also, there is need for more extensive research and scientific advice as to the types of fishing gear used, on a case-by-case basis.

We also agree that where it can be demonstrated that fishing practices cause damage to biological diversity and vulnerable marine ecosystems, in particular seamounts, hydrothermal vents and coldwater corals, further options in the form of restrictions on such practices could be considered, in case other means have been exhausted or proven inadequate. Consistent with the spirit of the action urged in the present draft fisheries resolution, the North-East Atlantic Fisheries Commission has adopted fishing gear restrictions in designated areas, offering a good example of the contribution of regional fisheries management organizations in tackling the problem of destructive fishing practices. Such measures, though, can and should only be taken by flag States, coastal States or regional fisheries management organizations and within the framework of the Convention on the Law of the Sea.

We welcome the decision in the draft fisheries resolution to conduct a review of actions taken by States and regional fisheries management organizations in response to these recommendations during the sixty-fourth session of the General Assembly in 2009, with a view to further recommendations, where necessary.

Iceland has long been active in the work of the United Nations on ocean and fisheries issues and has always supported effective means to safeguard vulnerable marine ecosystems in order to halt the loss of biological diversity, as indicated in the

Johannesburg Plan of Action, and to promote the sustainable use of living marine resources. We will continue to work with other nations towards this common goal and spare no effort in our joint endeavours to find an effective and manageable solution to a real and growing danger to the ecosystems of the sea.

Mr. Alday (Mexico) (*spoke in Spanish*): Mexico would like to express its recognition of the work and dedication of the coordinators of both draft resolutions, Mr. Carlos Sergio Duarte of Brazil and Ms. Holly Koehler of the United States of America. We would also like to thank the Division for Ocean Affairs and the Law of the Sea for the preparation of its many reports and the implementation of various training programmes for developing countries.

Certainly, there has been some headway made in protecting the marine environment, as we can see from the various reports presented to us by the Secretary-General. Unfortunately, however, we still see signs of the degradation of the marine environment and non-compliance with the obligations of States in implementing the international legal regime of the law of the sea. In this context, we believe that cooperation and coordination at all levels, the establishment of interdisciplinary and comprehensive approaches in ocean policies and the recognition of the jurisdiction of competent legal bodies to provide for the peaceful settlement of disputes will guarantee the efficiency of the legal, political and technical instruments that we have, in particular the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Mexico welcomes the convening of the five-day seventeenth meeting of States parties to the Convention in June 2007, which will be held independently from those days that have been set aside to elect members for the Commission on the Limits of the Continental Shelf (CLCS). We believe that because of the importance of the issues to be discussed among States parties, their deliberations should not be limited for reasons far removed from its traditional areas of concern.

Mexico would like to point to the valuable work of the CLCS. We reiterate our concern at the logistical implications for the Commission arising from the significant increase in its workload. For this reason, we believe it is essential that States parties to the Convention support the measures included in operative paragraphs 39, 40 and 41 of the omnibus draft resolution in document A/61/L.30.

For Mexico, it is important that the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts, which are being negotiated within the International Seabed Authority, should reflect international contemporary law and its principles, in particular those of international environmental law, in order to design a strict liability regime for damage to the marine environment in the Area. We also feel it important that the International Seabed Authority consider changing the dates of its meetings to improve attendance in Kingston. It is essential that the meetings continue to take place at the Authority's headquarters.

Mexico also reiterates the importance of promoting capacity in drafting reliable nautical charts that will guarantee the safety of navigation in order to protect the marine environment, especially in vulnerable marine ecosystems, such as coral reefs. It is also essential that financial institutions provide resources for the transition to electronic nautical charters.

The international community should pay special attention to the protection of the human rights of seafarers, especially given the frequent violation of their legal rights. That is why the rules provided for in the Convention on the prompt release of vessels and their crews, on sanctions for the pollution of the marine environment by foreign vessels, and on recognition of the rights of the accused should be respected.

With regard to marine transport of radioactive materials and the lack of appropriate regimes for liability and compensation in the case of accidents, although we recognize that some progress has been made within the International Atomic Energy Agency, we share the view of the Caribbean Community on the need to take more effective measures to meet the concerns of small island developing States and other coastal States. So, too, we reiterate the relevance of the principles of the Convention with regard to the freedom of navigation and the right to transit passage, recognizing that the authority of straits-bordering States to adopt legislation regulating those straits must be in line with such principles as non-discrimination and take into account the duty to cooperate to establish measures to protect the marine environment through the competent organizations.

With regard to the conservation and sustainable use of marine biodiversity beyond national jurisdiction, the work of the Ad Hoc Working Group that met in February demonstrates the enormous interest of States and the need to continue to examine that issue so as to promote its gradual development. Mexico notes the importance of the trends identified by the Working Group, such as the central role of the General Assembly in considering the issue and the fundamental basis, represented by the Convention, of the legal framework related to the use and conservation of biodiversity beyond national jurisdiction.

Similarly, we reiterate our concern to guarantee that the genetic resources of the international seabed be used in a sustainable and equitable manner. We therefore welcome the mandate given to the Secretary-General by the General Assembly to reconvene the Working Group to consider that aspect, among many others. We also welcome the fact that the next meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will focus on marine genetic resources.

We would point out that, although only one theme was chosen for the next two meetings of the Informal Consultative Process, Mexico understands that the choice of themes should be based on the nature, complexity and importance of each. A single theme should be chosen only on an exceptional basis.

Mexico is committed to sustainable fisheries and complies with all the substantive provisions of the 1995 Agreement. That issue is of special importance to my country and we have therefore always participated constructively in seeking mechanisms that will allow it to become universal. Mexico feels it essential to reiterate here its conviction of the importance for States not parties to the 1995 Fish Stocks Agreement to be able to participate on an equal footing at the Review Conference. The establishment of the Conference's rules of procedure should retain article 36 of the Agreement in full so that only intergovernmental and non-governmental organizations may participate as observers.

The Review Conference held last May recognized that the measures needed to achieve the objective of universalization should include an exchange of ideas to take into account the concerns of non-States parties to the Agreement via ongoing dialogue. Mexico welcomes the call on States to launch a dialogue. The dialogue should be seen not only as a means to promote increased ratification of and accession to the Agreement, but also as an additional useful space for promoting cooperation in the implementation of conservation and management measures at the national level that will contribute to guaranteeing the conservation and sustainable use of straddling and highly migratory fish stocks. My delegation believes that delaying a dialogue between States parties and non-States parties to promote the latter's accession to the Agreement would go against the principles underpinning the Agreement itself and undermine the cooperation and collaboration that should prevail internationally.

An essential aspect of ensuring that fisheries can contribute to sustainable development is responsible international trade. Among the fundamental mechanisms for guaranteeing that aspect are systems of certification and eco-labelling, so long as they are undertaken in accordance with international law. Effective market access should be ensured in a non-discriminatory manner, eliminating barriers and trade distortions in conformity with the principles of the Code of Conduct for Responsible Fisheries.

With regard to the effects of fisheries on vulnerable marine ecosystems, Mexico recognizes the need to continue to adopt measures to address them effectively. With respect to bottom trawling in particular, the measures proposed in draft resolution A/61/L.38 on sustainable fisheries do not, unfortunately, reflect the urgent need to take measures to avoid damage to vulnerable ecosystems. We therefore feel that the draft resolution reflects no significant progress.

The application of the precautionary principle seeks to avoid irreversible damage to ecosystems and losses whose long-term effects may be difficult to reverse. Mexico therefore feels that the principles should be applied to bottom-trawling, which has been shown to be devastating to ecosystems. Waiting to see what damage had been caused before adopting measures would be dilatory and impede concrete actions to undo the harm. We should take into account the fact that technological development allows the exploitation of seabed resources with other, less destructive methods. We nevertheless call for the priority implementation of the series of measures outlined in draft resolution A/61/L.38, in accordance

with the terms and time frame established in the draft resolution itself.

Mr. Penjo (Bhutan), Vice-President, took the Chair.

Mexico believes that specialized technical mechanisms are essential to addressing the problems of the oceans through the coordination of the various competent agencies. We therefore support the establishment of the Ocean and Coastal Areas Network, the results of which should be distributed to all States. In its deliberations, the Network should take into account the opinions and points of view of Member States, especially within the framework of its task forces.

We also welcome the report of the first meeting of the Ad Hoc Steering Group to oversee the execution of the "assessment of assessments" launched as a preparatory stage towards the establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. We also welcome the support provided by the United Nations Environment Programme and the Intergovernmental Oceanographic Commission in that task.

Similarly, Mexico feels that the promotion of regional capacity-building and cooperation is crucial, and in that context has continued to provide financial resources to the Assistance Fund of the Conference on Maritime Delimitations in the Caribbean, which recently held its fourth plenary session in the Dominican Republic.

The great variety and depth of issues addressed in both draft resolutions before us attest to the strategic importance of ocean affairs at the world level in recent years. The continued productivity of the oceans depends on the international community's use of them sustainably and on adequate recognition that ocean-related problems are intimately intertwined and should be considered as a whole. In view of the new challenges to the international community in ocean affairs, the United Nations Convention on the Law of the Sea continues to be the legal framework around which all ocean activities gravitate.

Finally, my delegation cannot but take this opportunity to recognize the work and professionalism of Mr. Vladimir Golitsyn of the Division for Ocean Affairs and the Law of the Sea. We wish him and his closest colleagues every success.

Mr. Nguyen Tat Thanh (Viet Nam): At the outset, on behalf of the delegation of Viet Nam, I would like to thank the President of the General Assembly for convening this meeting. We wish to join other speakers in expressing our appreciation to the Secretary-General and the Division for Ocean Affairs and the Law of the Sea for a set of comprehensive reports, contained in documents A/61/63, the addendum thereto, and A/61/154 on developments and issues relating to oceans and the law of the sea during the past year.

Since last year, the number of States parties to the United Nations Convention on the Law of the Sea (UNCLOS) has risen from 149 to 152. Our delegation warmly congratulates new UNCLOS States parties and believes that the current trend of broadening the membership of the Convention will continue. That trend is concrete proof of the vital importance of the Convention in strengthening peace, security, cooperation and friendly relations among all nations, in conformity with the principles of justice and equal rights and the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in its Charter, as well as the sustainable development of the oceans and seas. In that regard, we wish to stress the need for coastal States to strengthen cooperation with a view to ensuring maritime safety and security, as well as the freedom of navigation and the rights of transit passage and innocent passage, in accordance with international law, in particular UNCLOS.

We take note with satisfaction of the great work done by the International Seabed Authority, the Commission on the Limits of Continental Shelf, the International Tribunal for the Law of the Sea, and the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. In recent years, the Consultative Process has made a valuable contribution to the annual deliberations of the General Assembly on ocean affairs and the law of the sea and become a forum that has enriched substantially the international community's understanding of cross-cutting issues and assisted in promoting greater inter-agency coordination and cooperation.

In that regard, we wish to express our support for the agreed elements relating to ecosystem approaches and oceans suggested by the Consultative Process, as set out in part A of the report on the work of the Consultative Process at its seventh meeting in June 2006, in particular the proposed elements of an ecosystem approach, the means to achieve implementation of an ecosystem approach, and requirements for improved application of an ecosystem approach. We encourage the Consultative Process to continue its discussions on other substantial topics, as identified at its previous meetings.

We wish to take this opportunity to highlight recent activities undertaken by Viet Nam in the field of oceans and the law of the sea.

At the national level, we continue our efforts to improve the legal framework regulating marine issues. After adopting the Maritime Code in June 2005, the National Assembly is now at the final stage of consideration of a law on Viet Nam's sea zones.

At the regional level, Viet Nam signed and approved the Tokyo Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, which entered into force on 4 September 2006. We have also been participating actively in other cooperative measures with regional countries and within the framework of the Association of Southeast Asian Nations (ASEAN).

Regarding the Bien Dong Sea — the South China Sea — together with other member countries of ASEAN and China, Viet Nam is doing its best to implement the 2002 Declaration on the Conduct of Parties in the South China Sea, including participating in many plans and projects on marine scientific research and the protection and preservation of the marine environment. We wish to reiterate our commitment to respecting and implementing its provisions and call upon other signatories to fully implement it, continue to undertake confidence-building measures for the maintenance of peace and stability in the region, and commit to resolving the dispute in the South China Sea through peaceful means in accordance with international conventions, including UNCLOS.

At the international level, on 19 April 2006, Viet Nam acceded to the 1994 Agreement Relating to the Implementation of Part XI of UNCLOS and is considering accession to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. At the twelfth session of the International Seabed Authority in August 2006, Viet Nam was elected to the Authority's Council for the term 2007-2010. We wish to take this opportunity to convey the sincere appreciation of the Government of Viet Nam for the valuable support of the members of the Authority. As a member of the Council, Viet Nam will do its utmost to contribute further to the work of the Authority.

Mr. Cho Hyun (Republic of Korea): The Korean delegation thanks the Secretary-General for his comprehensive report on oceans and the law of the sea. We also commend Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States for their excellent work in coordinating the two resolutions before us.

Today, the United Nations Convention on the Law of the Sea (UNCLOS) is widely accepted by the international community. The number of parties to UNCLOS stands at 152, while the number of parties to the Agreement Relating to the Implementation of Part XI of UNCLOS is 126.

Given the centrality of UNCLOS for the governance of oceans and seas, Korea attaches great importance to a coherent, integrated and equitable approach to the sustainable management and conservation of the oceans and their resources, in accordance with the letter and the spirit of the Convention. The implementing mechanisms of the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have all played important roles. Korea has demonstrated its commitment to UNCLOS by actively participating in the work of those organs.

The oceans and seas are invaluable to the welfare of humanity, providing living and non-living marine resources and a vital avenue of transportation. However, the world continues to be troubled by piracy and the degradation of marine resources. Maritime safety and security is a serious concern for many seafaring States. In this context, the Republic of Korea is pleased to note that the United Nations Open-ended Informal Consultative Process on Oceans and the Law

of the Sea will focus its discussions on marine genetic resources in 2007 and on maritime security and safety in 2008.

As a country whose economy relies on international trade, the Republic of Korea believes that the right of transit passage should be upheld by all Member States. Korea reaffirms the rights and responsibilities of States that border on straits used for international navigation. Furthermore, we believe that all States parties should seek to preserve the integrity of UNCLOS against any measure that is inconsistent with it.

I would like to touch upon the issue of marine biological diversity beyond areas of national jurisdiction. Korea gives great importance to the conservation and sustainable use of marine biodiversity. We hope that future discussion on this issue will take place within the framework of UNCLOS and the Convention on Biological Diversity, balancing the protection of marine ecosystems and the sustainable use of marine biodiversity.

As a responsible fishing State and a State party to UNCLOS, Korea is seriously concerned by illegal, unreported and unregulated fishing, which remains one of the greatest threats to marine ecosystems, and its effects continue to have a substantial impact on the conservation and management of ocean resources. The Republic of Korea will work together with other States parties to take effective measures to prevent, deter and eliminate illegal, unreported and unregulated fishing activities.

The Republic of Korea also hopes that the international community will adopt and implement measures for the protection of vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals. In this regard, we would like to stress the important roles to be played by the Food and Agriculture Organization of the United Nations and regional fisheries management organizations in finding solutions to these issues.

The international community has long worked together to ensure safe transport and the sustainable use and management of marine resources. The United Nations has been a vital forum for States to engage in constructive dialogue on these important issues. As a responsible maritime State, Korea will continue to participate in ensuring the sound governance of the world's oceans and seas.

Mr. Tuglo (Indonesia): Allow me at the outset to express our gratitude to the Secretary-General for his comprehensive report on oceans and the law of the sea (A/61/63 and Add.1). We also commend the Secretariat's Division for Ocean Affairs and the Law of the Sea for its great work.

The report illustrates recent developments regarding the use of oceans and their implications for the existing legal framework of the Convention. These range from the application of ecosystem approaches to the economic use of oceans as a result of the advancement of marine technologies.

As the world's largest archipelago, with an oceangoing society and important waterways traversing its territory, Indonesia naturally attaches great importance to marine affairs, including fisheries, the maritime environment and the safety of navigation. In addition, ensuring maritime security in our national waters represents an important step taken to address non-traditional security threats coming from the sea, such as armed robbery against ships, smuggling of people and goods, and illegal logging. However, this step is a calculated measure taken in accordance with our national priorities and capabilities, and is not due to alarmist views that perceive a link between terrorists and pirates, two different sets of people with diametrically opposed purposes.

This year, during the informal consultation process preceding these meetings, we had the opportunity to discuss quite extensively the issue of marine biodiversity beyond national jurisdiction. Those deliberations and the studies initiated by the Ad Hoc Open-ended Working Group established in 2004 on the matter have helped us to better comprehend the responsibilities of States seeking to generate economic benefits from the oceans.

The interesting coincidence here is that a similar process has been undertaken recently within the framework of the Conference of the Parties to the Convention on Biological Diversity in Curitiba, Brazil. That process underlined the importance of conducting comprehensive studies to help us fully understand the legal implications of exploring living resources beyond national jurisdictions. In this regard, we are pleased that the next year's Informal Consultative Process will be devoted to further discussions of this issue so that we can chart a realistic course of action forward.

Although new issues concerning the proper applicability of the existing legal framework sometimes confront us, the integrity of the United Nations Convention on the Law of the Sea (UNCLOS) should be emphasized so that any new legal regime will draw on the basic norms of the Convention. Only through such a process can we strengthen the integrity of the Convention.

Speaking of the integrity of the Convention, Mr. Tommy Koh of Singapore, then the President of the Third United Nation Conference on the Law of the Sea, in his famous remarks in December 1982, proclaimed that UNCLOS serves as the constitution for the oceans. He was, and still is, right, since UNCLOS is the only comprehensive legal framework for managing various aspects of the oceans, ranging from the technical determination of what constitutes a baseline and how to draw such a baseline to the guidelines of using an ocean rich in its water column as well as in its seabed. It deals also with issues ranging from how an ocean court should operate to what rights should be enjoyed by aircraft when flying over certain waters of various jurisdictions. The interests of States on these issues are balanced, paving the way for the adoption of UNCLOS by the international community in 1982. Here, I shall quote Mr. Koh:

> "The world community's interest in the freedom of navigation will be facilitated by the important compromises on the status of exclusive economic zone, by the regime of innocent passage through the territorial sea, by the regime of transit passage through straits used for international navigation and by the regime of archipelagic sea lane passage."

That is indeed a delicate balance, and one that was carefully crafted when the international community sealed its agreement to the Convention. We believe that this balanced approach should be maintained. As a comprehensive legal instrument on ocean affairs, the Convention must not be interpreted on a selective basis, particularly when we want to emphasize those legal norms in our omnibus resolutions.

It is the obligation of all States — coastal States as well as user States — to faithfully exercise their rights and fulfil their obligations when applying the legal regimes derived from the Convention as a whole. A selective or pick-and-choose approach to the application of UNCLOS betrays the constitution for the oceans which was so carefully negotiated by members of the international community.

We acknowledge the importance of establishing an integrated ocean management system to ensure the long-term use and sustainable development of the fisheries sector. The application of ecosystem and precautionary approaches to ocean management will strengthen the fulfilment of such an objective. Given the differences in the capacities of States, Indonesia would like to emphasize the need to strengthen capacity-building for coastal States, in particular developing coastal countries, to enable them to contribute to the process of optimizing the protection of the marine environment to support sustainable fisheries management. In this regard, we welcome the initiatives of States to disseminate this new approach to ocean and fisheries affairs.

I turn now to the question of ensuring maritime security in the Straits of Malacca and Singapore. Following the Jakarta meeting of last year, all the littoral States of the Straits met in Kuala Lumpur in September 2006 to further strengthen their cooperation with a view to meeting that objective through existing trilateral mechanisms, including the Trilateral Ministerial Meeting, the Trilateral Senior Officials Meeting and the Trilateral Technical Experts Group.

Along with user States and other stakeholders, we also discussed burden-sharing mechanisms to assist littoral States in ensuring and maintaining the safety of navigation in the area. As a result of our cooperation, electronic navigational charts will soon be installed, in the form of the Marine Electronic Highway for the Straits of Malacca and Singapore.

Furthermore, at the domestic level, last month the Indonesian Government launched a new structure, the Coordinating Agency for Maritime Security. This agency, led by the Coordinating Minister for Political, Law and Security Affairs, has the main responsibility for coordinating cohesion among various relevant institutions for the purposes of ensuring maritime security in Indonesian waters. We also believe that this institution will contribute positively to our consistent measures to combat threats to maritime security in our region. In this regard, it is worth mentioning that, prior to the creation of the Agency Indonesia annually lost hundreds of millions of dollars due to smuggling operations in the Straits of Malacca and Singapore.

Beyond our continued efforts to ensure the safety of navigation in the Straits of Malacca and Singapore, rarely do we hear any discussion about the environmental impact of the high volume of vessels transiting them. In the event of a shipwreck, if thousands of cars were to sink in the shallow waters of one of the busy shipping lanes of the Strait of Malacca, the impact on the safety of navigation in the area and on the environment, if the shipwreck were not removed promptly, would be difficult to contain. Furthermore, it is difficult to comprehend the argument that, in such a case, the flag State can do nothing to compel ships flying its flag or registered by it to shoulder responsibility for promptly removing the wreck, leaving such removal to insurance companies.

It is our view that the flag State or State of registration has an obligation, particularly in cases of prolonged or delayed removal, among other things, to blacklist the shipowners and revoke their ship registration pending fulfilment of their responsibility to remove wrecks that may pose a hazard to the safety of navigation in the waters of other States, particularly in straits used for international navigation. This view is consistent with the general obligation of every State, in accordance with the Convention, inter alia, to effectively exercise jurisdiction and control in administrative and technical matters over ships flying its flag or of its registry, with the objective of ensuring the prevention, reduction and control of pollution of the marine environment. Further, it seems unfair that, while littoral States bordering such straits, such as Indonesia, have the obligation to keep the straits safe for navigation and to protect the environment from potential damage, those demanding that littoral States secure such straits refuse to force ships flying their flags or of their registry to remove wrecks and sunken cargo belonging to them.

Given those concerns, we attach great importance to the finalization of the draft Wreck Removal Convention, scheduled to be adopted in May next year in Nairobi. We are also observing with great attention those stakeholders who shunned their responsibilities under UNCLOS for making straits used for international navigation, such the Straits of Malacca and Singapore, safe for that use.

Before concluding, my delegation would like to thank Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States for their excellent contribution in coordinating the work on the two draft resolutions before us today.

Mr. Rosselli (Uruguay) (*spoke in Spanish*): Uruguay considers it to be of great importance that the Open-ended Informal Consultative Process convened by the Secretary-General continue its search for substantive responses to existing problems in ocean affairs. In the framework of the consultations, the international community benefits in general from the adoption of conservation measures following ecosystem approaches based on scientific methods. Uruguay supports this. It is our view that such approaches, when they are implemented, should conform to international instruments in force, in particular the United Nations Convention on the Law of the Sea (UNCLOS), which, taken as a whole, we recognize as the essential framework for the law of the sea. Here, we stress that, in ecosystem management, the rights of coastal States should be respected within their areas of jurisdiction.

While recognizing that the main threat to ecosystems is seen in coastal zones, we also note that conservation measures are most sorely lacking in high seas areas; in general, coastal States have an adequate legal framework to establish controls.

Uruguay recognizes the danger posed by fisheries practices, such as bottom-trawling, that irreversibly damage marine biodiversity, especially in certain very sensitive high seas areas. We propose that any measure to be taken in this regard be adopted scientifically and appropriately adapted to the area to which it will be applied. Such measures should be based on information from the Food and Agriculture Organization of the United Nations and from regional organizations: ecosystem approaches should be adapted to local characteristics.

Uruguay recognizes that the marine environment is composed of particularly vulnerable ecosystems that cannot be isolated from others that are adjacent. But we also consider that standards proposed by international organizations, in particular regional fisheries management organizations, should be fully compatible with the sovereign rights of coastal States.

Like other States, Uruguay would like to warn that conservation measures adopted on the basis of an ecosystem approach would not be sufficient to stop illicit fishing activities, which are possible in large part because there is a lack of control on the high seas. This

is due to omissions by flag States and the lack of regional fisheries organizations in some areas, such as the South-West Atlantic. Here, political measures are needed. In this regard, we reiterate the position we have sustained in forums on fisheries activities: all boarding and inspection of vessels on the high seas should comply with the law and should respect the jurisdiction of the flag State, ensuring the participation of the flag State in the operation.

Uruguay recognizes the need for cooperation and consistency among the international organizations working in this area. We also recognize the need for the exchange of information and for international scientific cooperation, as well as the growing requirements for financial resources to meet conservation and governance needs.

With regard to the safety of navigation, Uruguay supports the whole package of measures related to the protection of seafarers and fair treatment, in accordance with the law, for those who have fallen victim to accidents, shipwrecks or criminal acts on the high seas.

One point that my delegation would like to mention in particular is the safe transport of radioactive materials through areas that can be particularly vulnerable, such as exclusive economic zones and developing island areas. The way to improve mutual trust in such areas is set out in the Vienna plan, which includes the broadest possible consultations between States of transport and States of transit, particularly in three main areas: the enhancement and functioning of regulatory regimes, particularly the codes of the International Atomic Energy Agency (IAEA) and the International Maritime Organization; the transparency and timeliness of the information shared between States of transport and affected coastal States; and the most comprehensive study possible of the liability system in this area. The work being done by the IAEA on those elements should be taken into account when the issue is discussed in future negotiations.

Another point that we believe should be considered in the future — which has been raised by a number of delegations during the present session — is the issue of coastal States bordering straits used for international navigation, particularly the problem of ensuring consistency between the regulatory measures undertaken by coastal States and the legal system of UNCLOS. In such cases, the implementation of measures in such cases should not permit discriminatory practices that might prevent or hamper the exercise of the right of transit through these areas.

The Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was held last May. For Uruguay, the Agreement has been in force since 2001. At the Conference, the Uruguayan position was primarily to ensure that acquired rights not be undermined, including those involving the competencies and sovereign rights of a coastal State within its exclusive economic zone, the sovereignty of port States and freedoms on the high seas, particularly with regard to inspections and the possible use of force in the control of high-seas fishing.

Uruguay's national positions in this area can be summarized in three points. First, we support the existing concepts of the sovereignty of coastal States within their exclusive economic zones. Secondly, we reject provisions affecting the sovereignty of port States in fisheries operations. Thirdly, we reject the implementation of restrictive high seas fishing measures that exclude vessels of certain flags from major fishing grounds under the pretext of implementing conservation measures that are really discriminatory practices.

My statement would not be complete if I did not mention the excellent work of our two coordinators, Mr. Carlos Duarte of Brazil and Ms. Holly Koehler of the United States, as well as the unwavering support of the Secretariat's Division for Ocean Affairs and the Law of the Sea.

Mrs. Núñez Mordoche (Cuba) (*spoke in Spanish*): We are extremely pleased to note that the United Nations Convention on the Law of the Sea (UNCLOS) remains fully valid and current. That reaffirms its universal character and its key importance in the maintenance and strengthening of international peace and security and the sustainable development of the oceans and seas.

My delegation places particular emphasis on the need to strengthen international cooperation among all actors involved in sea and ocean management, including the exchange of knowledge and capacity-

building, which are aspects of vital importance for developing countries. To my country, given its geography, issues related to the seas and oceans are of particular interest. Despite the economic hardships facing us, we continue to make great efforts to implement national strategies promoting the sustainable development and protection of the marine environment in order to consistently and effectively implement the Convention's provisions.

UNCLOS establishes an appropriate and universally recognized legal framework within which all activities on the oceans and the seas should be conducted. That is why we call attention to the policies and initiatives of some States — such as the Proliferation Security Initiative — that contravene the Convention. To carry out the practical implementation of that initiative would be to ignore the generally accepted rules regarding the interception of vessels and the legal regime covering various maritime areas.

We also wish to indicate that any activity — including the conservation and management of resources — related to marine biological diversity beyond areas of national jurisdiction should be governed by the principles established in the Convention, which provides that marine scientific research in the exclusive economic zone should be carried out for exclusively peaceful purposes and to benefit humanity as a whole.

In that connection, we express our satisfaction with the work carried out by the Ad Hoc Open-ended Informal Working Group established pursuant to paragraph 73 of resolution 59/24 to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. At the same time, we are particularly pleased at the holding of another meeting of the Ad Hoc Open-ended Informal Working Group with full conference services, which will enable us to make progress in considering that important issue.

Furthermore, we believe that all issues related to the Group's mandate should by studied in detail, including those related to humanity's common heritage and to the effective distribution of benefits in accordance with the principles of international law, including the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, as contained in General Assembly resolution 2749 (XXV), and UNCLOS.

Although Cuba is not a party to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, we comply in good will with the major conservation and management provisions established in it. The main reason that we have not become a party is our concern regarding the mechanism of visits and inspection on board fishing vessels, established under articles 21 and 22 of this instrument.

We would not wish to conclude without first thanking the coordinators for their work on the two draft resolutions that we will adopt today.

Mr. Brevik (Norway): The United Nations Convention on the Law of the Sea provides the legal framework for all issues relating to oceans and maritime activities. We welcome the fact that this instrument continues to gain new parties, bringing us steadily closer to the goal of universal adherence. Needless to say, we expect all parties to respect the letter and spirit of the Convention in all their dealings involving maritime affairs.

The Convention reflects customary international law on a number of issues. As regards the management of straddling and highly migratory fish stocks, the 1995 Fish Stocks Agreement is an essential contribution to the law of the sea. It sets out the precautionary principle and establishes the institutional framework for regional cooperation on sustainable fisheries management. We welcome the increasing number of parties to this Agreement but underline the need for even greater participation. An important issue in this regard is the need for increased awareness of the Agreement and its benefits among States. To this end, Norway is currently cooperating with the Food and Agriculture Organization of the United Nations with a particular focus on capacity-building in developing countries.

Norway wishes to express its satisfaction with the consensus reached in May this year at the Review Conference on the implementation of the 1995 Fish Stocks Agreement. We therefore encourage States and regional fisheries management organizations or

arrangements to give due priority to the implementation of the results of the Conference.

The wide range of maritime issues presently being dealt with within the broader framework of the General Assembly illustrates the Assembly's role as the universal forum for discussing current issues regarding ocean affairs and the law of the sea. It is essential that all important discussions on the broader development of the law of the sea take place within this representative forum. In this regard, I commend the Division for Ocean Affairs and the Law of the Sea on the excellent job it is doing to provide the General Assembly with necessary input on the topics under discussion. It is essential that the Division be provided with the resources it needs to continue to carry out its important function.

A range of maritime activities and discharges affect the state of the marine environment. The accumulated effect on the marine ecosystems is a result of a wide variety of different factors such as the discharge of chemicals, contaminated sediments, harvesting of living resources, the introduction of non-indigenous species and the physical destruction of habitats, as well as increased emissions of greenhouse gases into the atmosphere. The state of the marine environment is governed by a complex pattern of natural interplay among and variation in ecosystems, and by the effects caused by human activity. Impact on one component of an ecosystem will have consequences on other parts, even though often the actual effects may be difficult to measure. If key species that many links in the food chain depend on are negatively affected, there can be an adverse impact on the entire ecosystem.

By 2010, management of oceans should be based on the ecosystem approach in accordance with the 2002 Johannesburg Plan of Implementation. In the long term, the accumulated effect on the environment must not be greater than what the structure of the ecosystems and their biological diversity can tolerate.

The Norwegian Government applies the ecosystem approach to the management of our ocean spaces. We are developing integrated management plans for Norwegian maritime areas. In March this year, the Government presented to the Storting an integrated management plan for the Barents Sea and the areas off the Lofoten Islands. This plan constitutes an overall framework for the sustainable use of natural resources in the area. In developing the plan, we attached great importance to developing a considerable body of scientific knowledge about the seas in question. The plan is intended to be dynamic, and we will regularly assess the need to update and adapt it to changing conditions.

Norway is deeply concerned about the impact on the marine environment of increased concentrations of greenhouse gases in the atmosphere. We know that elevated levels of anthropogenic carbon dioxide in the atmosphere are rapidly changing ocean chemistry, leading to ocean acidification. Other large-scale impacts include rising sea levels and sea surface temperatures, reduced sea ice coverage and changes in ocean circulation and salinity. Collectively, these changes will have a profound impact on the structure and functioning — and hence the productivity and biodiversity — of marine ecosystems.

Norway views the capture and geological storage of carbon dioxide as an element in a portfolio of measures to mitigate climate change and ocean acidification. We welcome the recent adoption of an amendment to the 1996 London Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters to allow for carbon dioxide sequestration in sub-seabed geological formations. Amendments to the Convention provide a coherent legal framework for such activities and are important for the further development of this technology. Therefore, we also participate actively — both globally under the London Protocol, and regionally under the OSPAR Convention, the Convention on the Protection of the Marine Environment of the North-East Atlantic — in the important work on further technical guidance for the geological storage of carbon dioxide.

Our oceans also need to be protected against the introduction of species alien to ecosystems. It is generally accepted that discharge of harmful aquatic species through ballast water is one of the largest threats we face to marine biological diversity. The Norwegian Government has decided to ask for the Storting's approval to accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments. Subject to parliamentary approval, Norway will be among the first larger flag States to join the Convention, and it urges other States to consider ratifying this important instrument.

Illegal, unreported and unregulated (IUU) fishing is one of the most serious threats currently facing marine fish stocks. Fighting this phenomenon is of the highest priorities for Norway. Developing countries in particular are hurt by IUU fishing, since they lose State revenue while their coastal communities are weakened, sometimes on a long-term basis.

Implementation of a port-State control regime combined with enhanced compliance by flag States with their duties are important tools for eliminating IUU fishing. They constitute steps towards curbing IUU fishing and ensuring compliance by the States concerned. On a Norwegian initiative, and in close cooperation with other Member States, the North-East Atlantic Fisheries Commission recently adopted a new scheme of control and enforcement, which includes a comprehensive and binding agreement on port-State control for all fish stemming from catches in the North-East Atlantic. This scheme is necessary in our region, and we encourage other regional fisheries management organizations and arrangements to take similar measures.

However, our final goal is to establish a global, binding agreement on port-State control. We value the support this idea received at the Review Conference on the implementation of the 1995 Fish Stocks Agreement in May this year, and here in the General Assembly this fall. We hope that in March next year the Food and Agriculture Organization of the United Nations will initiate a process for the negotiation of such an agreement.

The main problems concerning conservation and the sustainable management of marine resources are found within national zones. The greatest challenge is to ensure sustainable management of living marine resources within areas under national jurisdiction. These facts must not be blurred by the present extensive focus on issues related to conservation and the sustainable use of biodiversity on the high seas.

However, there are also substantial challenges related to biodiversity in areas beyond national jurisdiction, and that issue has Norway's full attention. In these waters, we must also implement the ecosystem approach and apply the precautionary principle to the management of human activities. We need to ensure conservation and the sustainable use of biodiversity, including achieving a more integrated approach to establishing and managing marine protected areas.

Destructive fishing practices, such as bottom trawling, are the most immediate and serious threat to marine biodiversity and they urgently need to be addressed in an effective manner. Based on what we know at this stage, we believe that most, if not all, threats to marine biodiversity within and beyond areas of national jurisdiction today can be met by implementing practical and effective measures within the existing legal framework and existing instruments. We have the tools available, but at the end of the day, we are dependent on political will to see that they are used and that the laws are complied with.

In this regard, we are encouraged by the active participation this fall in the General Assembly's thorough review of destructive fishing practices. Although we had hoped and worked for consensus on even tougher measures against destructive fishing practices, we think the agreed measures provide important guidance on how to deal with these challenges at the present stage. We now expect the regional fisheries management organizations and arrangements to take seriously their responsibilities to protect vulnerable habitats within their regulatory areas and implement necessary measures to prevent further habitat degradation. And, not least, we expect flag States that allow their vessels to conduct bottom trawling in unregulated high seas areas to act to prevent further harm to vulnerable areas.

The challenges related to sustainable use and conservation of biological resources in areas beyond national jurisdiction were also discussed in depth here in New York in February this year during the meeting of the Ad Hoc Working Group established specifically to facilitate such discussions. We are glad that there is consensus to continue the work of that group at a meeting in 2008 under the auspices of the General Assembly within the framework of the Convention.

The Secretary-General's latest report on oceans and the law of the sea (A/61/63/Add.1) refers to a large number of actual and attempted acts of piracy and armed robbery, the same number as last year. It is reported that the level of violence has escalated and that the threat to seafarers' lives remains very high. This threat to seafarers and the shipping industry is of great concern to my Government. However, we commend those Governments that have taken an active interest in cooperating to curb this problem, and in this regard we highlight the recent entry into force of the 2004 Regional Cooperation Agreement on Combating

Piracy and Armed Robbery against Ships in Asia. The International Maritime Organization deserves praise for its efforts, and we encourage it to continue its engagement in this field.

In closing, let me draw the Assembly's attention to an issue to which we attach the greatest importance. It follows from the Convention on the Law of the Sea that coastal States' legal definition of the continental shelf automatically extends to 200 nautical miles. States with submarine natural prolongations of their land territory beyond 200 miles must submit documentation to that effect to the Commission on the Limits of the Continental Shelf. That documentation must be approved by the Commission before the coastal State can establish the final outer limits of their continental shelf. The submission deadline for many States is 2009.

For some developing States, presenting the necessary documentation is a particularly challenging task. The General Assembly has established a United Nations trust fund to assist developing countries in documenting the outer limits of their continental shelves beyond 200 nautical miles. Norway recently contributed an additional $1 million to this fund, and we would like to see increased activity in this area through financing from the fund.

Ms. Martina (Ukraine): Ukraine is firmly committed to the United Nations Convention on the Law of the Sea, which represents a significant achievement by the international community and an important testimony to United Nations efforts to codify and develop international law of the sea.

My country attached great importance to the issues of fisheries even before it became a party to the Fish Stocks Agreement. Ukraine's legislation on fisheries was developed on the basis of provisions and principles of that Agreement. Since the Verkhovna Rada — Ukraine's parliament — passed the law on accession to the 1995 Agreement, additional practical steps to implement its provisions are being taken. They include, in particular, the adoption of a number of normative legal documents designed to enhance the role of the State in ocean fishing and increasing the responsibility of vessel owners.

Overexploitation of living marine resources through excess fishing continues to be of grave concern to the international community. As a geographically disadvantaged country bordering a sea poor in living resources and suffering from the depletion of fish stocks in its exclusive economic zone, Ukraine places special emphasis on the problem of illegal, unregulated and unreported fishing.

We strongly believe that all States should apply effective measures for the conservation and management of fish stocks in order to protect living marine resources and preserve the marine environment. Better international cooperation is needed in this sphere. Here, a crucial role belongs to relevant regional organizations. It is important that regional fisheries enhance their cooperation with a larger number of States, in particular States that engage in high-seas fishing and geographically disadvantaged States.

The international legal framework for high-seas fishing by commercial fishing vessels flying the Ukrainian flag comprises the 1982 United Nations Convention on the Law of the Sea, the 1995 Fish Stocks Agreement, the 1980 Convention on the Conservation of Antarctic Marine Living Resources and our State's participation in the International Commission for the Northwest Atlantic Fisheries and in the Northwest Atlantic Fisheries Organization.

After joining the Food and Agriculture Organization of the United Nations (FAO), Ukraine confirmed its adherence to modern sea-fishing standards by accepting an extensive set of voluntary obligations, including codes and action plans elaborated by FAO to ensure the sustainable use of marine resources. In 2002, Ukraine adopted a law for a national programme of fishing vessel construction for the period 2002 to 2010. In 2003, the national programme to develop Ukraine's fishing industries to the year 2010 was adopted.

Ukrainian delegations participate in the work of a number of bodies of the Northwest Atlantic Fisheries Organization and the North-East Atlantic Fisheries Commission and advocate the obligatory presence of scientific observers on all marine vessels and in all areas of commercial fishing related to the activities of those organizations.

With regard to the problem of stock management and fishing, we would like to emphasize the need for stricter measures to limit the level of exploitation of most stocks, taking into account that there is no universal approach at present to determine biological criteria for an admissible level of stock exploitation.

We emphasize the need to ensure effective coordination and cooperation in integrated ocean management to facilitate sustainable fisheries and to enhance maritime safety and the protection of the marine environment from pollution.

The institutions established within the framework of the Convention are essential components in the global system providing for the rule of law in the oceans and for the maintenance of peace and security. We note with satisfaction the effective functioning of the International Seabed Authority and the Commission on the Limits of the Continental Shelf. We reaffirm the crucial role that the International Tribunal for the Law of the Sea has played in the process of interpreting and implementing the 1982 Convention and the Agreement.

We would also like to express our appreciation to the Secretary-General for the quality and scope of his report, which in itself is a powerful tool that facilitates international cooperation and coordination. The activities of the Division for Ocean Affairs and the Law of the Sea continue to be intense and worthy of our praise.

Mr. Hachani (Tunisia) (*spoke in French*): I am pleased to participate in the General Assembly's debate on oceans and the law of the sea, which is an agenda item dealing with issues that are important, if not vital, for current and future generations.

I cannot begin my statement without thanking the Secretary-General and the staff of the Division for Ocean Affairs and the Law of the Sea for the comprehensive and instructive reports on oceans and the law of the sea (A/61/63) and sustainable fisheries (A/61/154), which present a complete picture of recent developments in the situation in those areas and provide an essential context for our consideration of this agenda item.

I should also like to pay tribute to the coordinators of the two draft resolutions before us and to commend the professionalism with which they led the consultations on this subject. Those documents and draft resolutions, as well as the present debate, show the importance that the international community attaches to establishing a coherent and equitable policy regarding the sustainable management and conservation of oceans and their resources, both in areas under the responsibility of coastal States and in areas beyond the limits of national jurisdiction.

Protecting and conserving the marine environment and fisheries resources are a constant source of concern for Tunisia. We are a coastal country situated in a semi-enclosed sea, the Mediterranean, where marine activities represent a significant source of income for many households. That is why the fisheries sector in Tunisia continues to receive special attention and is the subject of a development strategy based on managing fish stocks in a rational manner, maintaining a balance between fishing and exploitable resources, consolidating applied scientific research and promoting aquaculture.

The Secretary-General's report entitled "Impacts of fishing on vulnerable marine ecosystems" notes, inter alia, that States and regional fisheries management organizations are making increasing efforts to remedy the effects of destructive practices and that the ecosystem approach and the precautionary approach are widely recognized and being increasingly integrated into fisheries policies. That observation is encouraging and should be welcomed.

However, fish stocks in many regions of the world continue to be subjected to harmful overexploitation, particularly as a result of illegal, unreported and unregulated fishing, which could well exhaust the stocks of certain fish species, seriously damage marine habitats and ecosystems and jeopardize food security and the economies of many States, particularly developing States. This shows — as if it were necessary — that the fight against those illicit practices is far from being won and that we still have much to do in this vital area.

Thanks to the many agreements and instruments that have been put in place, the international community has enough tools at its disposal to ensure the conservation and sustainable use of marine biological resources. However, the usefulness and effectiveness of those tools strictly depends on the willingness of the parties to act with resolve to shoulder their responsibility and honour their commitments.

Today, together with States, regional fisheries management organizations are the cornerstone of the implementation of any policy aimed at the conservation and sustainable exploitation of oceans and their resources. They also constitute the principal framework for international cooperation in that regard. While we commend the ongoing efforts to establish

new organizations in several fisheries — particularly the southern sector of the Indian Ocean and the South Pacific — Tunisia believes that those bodies would benefit from strengthening their mandates and incorporating the ecosystem approach and the precautionary approach as guidelines for managing their fisheries, in order to make them more effective.

Having followed with interest the debate on the desirability of declaring an international moratorium on bottom trawling, my country believes that fisheries beyond areas of national jurisdiction should be regulated by regional fisheries organizations on the basis of studies carried out by those organizations.

The 1995 Fish Stocks Agreement is the most important binding instrument concerning the conservation and management of fisheries resources since the adoption of the United Nations Convention on the Law of the Sea in 1982. Its entry into force, four years ago, has had a significant impact on the conservation and management of high-seas fisheries resources and on international cooperation in the fishing industry. This fact was confirmed at the Review Conference in New York from 22 to 26 May 2006 — an opportunity that was wisely used to assess the effectiveness of the Agreement and the status of its implementation, as well as to adopt a number of recommendations that seek to strengthen the Agreement and implementation methods in order to better tackle problems that continue to impede the conservation and management of fish stocks. We support the decision to continue informal consultations among States parties and to continue to discuss the Agreement until the Review Conference meets here again in 2011.

With the continuous increase of international maritime transportation and the heightened risk of accidents at sea, the issue of maritime safety and security becomes an absolute priority that we should tackle through a pragmatic approach based on international cooperation. I would like to recall the guidelines proposed by the International Maritime Organization (IMO) concerning places of refuge for ships in distress in order to emphasize in particular that managing these places of refuge and implementing the IMO guidelines require enormous human and material resources that exceed the capacities of developing countries.

In conclusion, I wish to reiterate Tunisia's commitment to the implementation of the United Nations Convention on the Law of the Sea of 1982, which necessarily means complying with the various obligations and principles contained in this important instrument in the various areas involving the utilization of maritime spaces, including the right of transit through straits recognized for use for international navigation.

Organization of work

The Acting President: We have heard the last speaker on the item for this meeting. I would like to inform members that we will continue with the consideration of agenda item 71 and its sub-items (a) and (b) tomorrow morning, immediately following the adjournment of the special commemorative meeting devoted to the sixtieth anniversary of the operations of the United Nations Children's Fund.

Programme of work

The Acting President: I would like to confirm that the General Assembly, on Monday, 11 December 2006, will consider in a joint debate, as the second item, agenda item 9, "Report of the Security Council", and agenda item 111, "Question of equitable representation on and increase in the membership of the Security Council and related matters".

In that connection, I would like to inform members that the report of the Security Council, contained in document A/61/2, has already been distributed in delegations' boxes this morning, and is also available on the ODS.

I should also like to consult members regarding a future extension for the work of the Second Committee. Members will recall that, at its 65th plenary meeting, on 4 December 2006, the General Assembly agreed to an extension for the work of the Second Committee until Wednesday, 6 December. Subsequently, the President of the Assembly has been further informed by the Chairperson of the Second Committee that the Committee will not be able to finish its work until Friday, 8 December.

May I therefore take it that the General Assembly agrees to extend the work of the Second Committee until Friday, 8 December?

It was so decided.

The meeting rose at 6 p.m.